

**Transmittal Letter to the United States
Designated/Elected Office (DO/EO/US)**

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FORM PTO-1390

JC10 Rec'd PTO 09 MAY 2005

Docket No. : BM-100PCT
U.S. Application No. : 10/528,325
International Application No. : PCT/EP03/08734
International Filing Date. : August 7, 2003
Priority Date Claimed : September 20, 2002
Title of Invention : EXTRUDED COMPOSITE PROFILE AND METHOD FOR SEPARATELY WINDING TWO
INDIVIDUAL SIMULTANEOUSLY EXTRUDED TUBES WITH THE AID OF A WINDING DEVICE
Applicant(s) for (DO/EO/US) : Norbert William Sucke, Ismail Boyraz and Reiner Breindl

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

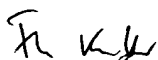
1. ___ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. X This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ___ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C 371(b) and PCT Articles 22 and 39(1).
4. ___ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ___ A copy of the cover sheet of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a) ___ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ___ has been transmitted by the international Bureau.
 - c) ___ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ___ A translation of the International Application into English [35 U.S.C.371(c)(2)].
7. ___ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C.371(c)(3)].
 - a) ___ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ___ have been transmitted by the International Bureau.
 - c) ___ have not been made; however, the time limit for making such amendments has NOT expired.
 - d) ___ have not been made and will not be made.
8. ___ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C.371(c)(3)].
9. ___ An oath or declaration of the inventor(s) [35 U.S.C.371(c)(4)].
10. ___ A translation of the International Preliminary Examination Report.

Items 11. to 16. below concern other document(s) or information included:

11. ___ An Information Disclosure Statement under 37 C.F.R. 1.97 and 198.
12. ___ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ___ A FIRST preliminary amendment.
___ A SECOND or SUBSEQUENT preliminary amendment.
14. ___ A substitute specification.
15. ___ A change of power of attorney and/or address letter.
16. X (other items or information) English translation of the International Preliminary Examination Report

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class mail under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May '5. 2005


Friedrich Kueffner

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From the INTERNATIONAL BUREAU



NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

MENTZEL, Norbert
Kleiner Werth 34
42275 Wuppertal
ALLEMAGNE

Date of mailing (<i>day/month/year</i>) 21 April 2005 (21.04.2005)	
Applicant's or agent's file reference 1123-3/04a Trennen	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/008734	International filing date (<i>day/month/year</i>) 07 August 2003 (07.08.2003)
Applicant ERBSLÖH ALUMINIUM GMBH et al	

1. **Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. **Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Agnes Wittmann-Regis
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 89 70

Translation

PATENT COOPERATION TREATY

PCT

PCT/EP2003/008734



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1123-3/04a Trennen	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008734	International filing date (day/month/year) 07 August 2003 (07.08.2003)	Priority date (day/month/year) 20 September 2002 (20.09.2002)
International Patent Classification (IPC) or national classification and IPC B21C 23/08		
Applicant ERBSLÖH ALUMINIUM GMBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>6</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 28 January 2004 (28.01.2004)	Date of completion of this report 15 November 2004 (15.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 1994)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008734

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 3-18, as originally filed,
pages _____, filed with the demand,
pages 1,2, filed with the letter of 27 October 2004 (27.10.2004),
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-13, filed with the letter of 27 October 2004 (27.10.2004),
Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/7-7/7, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

CT/EP 03/08734

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: WO-A-00/23205 (REYNOLDS ALUMINIUM BV; BAKKER
HARMEN (NL)) 27 April 2000 (2000-04-27)

D2: US-A-5 755 905 (SINN MICHAEL J ET AL) 26 May 1998
(1998-05-26).

2. The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

2.1. Document D1 is considered to be the closest prior art for the subject matter of claim 1. D1 discloses (the references in parentheses are to D1):

a method for producing and winding up extruded tubes by means of a winding device, comprising:

- extrusion of an extruded composite profile composed of at least two individual tubes (see figure 7), the adjacently disposed individual tubes being joined to one another by a connecting web of minimal width;

- feeding of the extruded composite profile leaving the extrusion die (1) at a speed (v_1) to a speed-regulating device (11, 12), where the extruded composite profile (4a, b) is adjusted to a speed (v_2);
- severing of the connecting webs of the extruded composite profile in the longitudinal direction of the composite profile in a severing device to obtain separate extrudates of the individual tubes (see page 4, lines 27 to 32 and figure 7);
- feeding of the profile at unchanged speed to a winding device (13), where the profile is wound onto a reel, the reel being moved by means of a drive at the winding speed (v_3), which is equal to the speed (v_2).

2.2. The method as per claim 1 differs therefore from the known method in that:

- the method step of the severing of the extrudate is carried out after the speed regulation; and
- the two individual extrudates produced by the severing of the connecting webs are each wound separately onto a reel, the two reels of the winding device being moved by means of a common drive.

2.3. Severing of the extrudate after the speed regulation is one of two obvious possibilities and of no inventive importance and is, moreover, particularly obvious from the arrangement of the cutting device 14 in D1.

The problem addressed by the present invention can therefore be considered that of winding up the two

individual extrudates produced by the severing of the connecting webs.

The solution to this problem as proposed in claim 1 of the present application cannot be regarded as inventive for the following reasons (PCT Article 33(3)):

The profiles described in D1 are either cut to the correct length or are wound up. Both options are possible for both the individual extrudates produced by the method described on page 4, lines 27 to 32. The possibility of winding up the two individual extrudates is therefore one of two different possibilities which is obvious.

Winding each of two individual extrudates produced by severing a double extrudate onto separate reels is obvious and has already been used for the same purpose in a similar method (cf. document D2, in particular figure 1).

Moving two reels by means of a common drive is one of two obvious possibilities without any inventive importance.

It would therefore be obvious to a person skilled in the art to apply these method steps to like effect to a method as per document D1. In this way he would arrive at a method as per claim 1.

3. Dependent claims 2-13 relate to the application of method steps for the handling of a composite profile to be severed and wound up which are known per se and obvious, whose combination does not give rise to any unexpected results. Consequently, these claims do not contain any method steps which, in combination

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with the features of any claim to which they refer,
meet the PCT requirements for inventive step.